

Andrew J. Costigan (AC-3761)  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**MISTER SOFTEE, INC.**

Plaintiff,

V.

**KOOL KAT TREATS, LLC**  
**d/b/a MR. FROSTEE et al.**

**Defendants.**

**CIVIL ACTION NO.**

**CV 05-4111 (BMC)(ETB)**

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE**

Pursuant to Fed.R.Civ.P.41(a)(1), plaintiff dismisses this action with prejudice as against the following defendants **ONLY**: Kool Kat Treats, LLC d/b/a Mr. Frostee, Kool Kat Ice Cream Vending, Inc., William Canada d/b/a Mr. Frostee, Gus Toufos, Huseyn A. Yuce, Teotimo Cabral, Mister Ice Cream Soft, Inc., Marcos Neira, Manuel Uzhca, R. Adames Devargas and Piedad Avevalo.

**HARGRAVES MCCONNELL & COSTIGAN, PC.**

BY:

Andrew J. Costigan  
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Of Counsel: Jeffrey Zucker  
David Allsman  
FISHER ZUCKER LLC  
121 South Broad Street, Suite 1200  
Philadelphia, PA 19107  
215-545-5200  
Attorneys for Plaintiff Mister Softee, Inc.

Date: October 2, 2006  
New York, New York

**CERTIFICATE OF SERVICE**

I, Andrew J. Costigan, certify that I have this day caused a true and correct copy of the below described Notice of Voluntary Dismissal upon the defendants at the addresses listed below:

Pleading or Motion served: Plaintiff's Notice of Voluntary Dismissal as to Defendant Kool Kat Treats, LLC d/b/a Mr. Frostee, Kool Kat Ice Cream Vending, Inc., William Canada d/b/a Mr. Frostee, Gus Toufos, Huseyn A. Yuce, Teotimo Cabral, Mister Ice Cream Soft, Inc., Marcos Neira, Manuel Uzhca, R. Adames Devargas and Piedad Avevalo.

Defendants: KOOL KAT TREATS, LLC d/b/a MR. FROSTEE  
590 Pine Aire Drive  
Bayshore, NY 11706

KOOL KAT ICE CREAM VENDING, INC.  
d/b/a MR. FROSTEE  
590 Pine Aire Drive  
Bayshore, NY 11706

WILLIAM CANADA d/b/a MR. FROSTEE  
590 Pine Aire Drive  
Bayshore, NY 11706

HUSEYIN A. YUCE d/b/a Mr. Frosty  
2A Denton Pl., 2<sup>nd</sup> Floor  
Farmingdale, NY 11735

GUS TOUFOS  
21-29 25 Road, 1<sup>st</sup> Floor  
Astoria, NY 11102

TEOTIMO A. CABRAL  
157 Barbey Street, 2<sup>nd</sup> Floor  
Brooklyn, NY 11207

PIEDAD M. AVEVALO  
47-17 104<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Corona, NY 11368


MARCOS A. NEIRA/MR. ICE CREAM SOFT, INC.  
111-50 Corona Avenue  
Corona, NY 11368

MANUEL J. UZHCA  
81-14 34<sup>th</sup> Avenue, Apt. 33  
Jackson Heights, NY 11372

R. ADAMES-DEVARGAS  
384 Keap Street, Apt. 22  
Brooklyn, NY 11211

Mode of Service:

Via first class mail

  
\_\_\_\_\_  
Andrew J. Costigan

Date: October 2, 2006  
New York, New York